

Application No. 09/702226
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Amendment
Attorney Docket No. S63.2H-10991-US01

Remarks

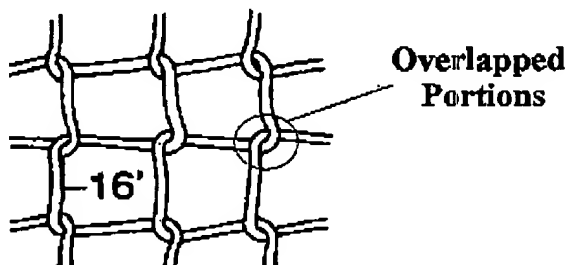
This Amendment is in response to the Office Action dated December 29, 2003. Claims 1, 2 and 4 - 47 are pending in this application. Claims 4 - 15, 20, 21, and 25 - 47 have been withdrawn from consideration. The Office Action rejects claims 1, 2, 16 - 19 and 22 - 24 under 35 USC § 102 over Heath (US 5725570).

By this Amendment, claim 1 is amended and claims 48 - 57 are added. Independent claim 48 is supported at least by Fig. 7F and page 16, lines 18 - 21. Independent claim 57 is supported at least by Fig. 7B. Figs. 7B and 7F are part of species F elected in the Amendment filed 2/3/03. Reconsideration in view of the following remarks is requested.

Applicant asserts that Heath does not disclose or suggest "a framework having a constant thickness" as recited in independent claim 1.

Heath discloses a tubular prosthesis formed from a filament 11 that is knitted into a mesh cylinder. The knitting forms a series of interlocked loops. See Fig. 1a and column 4, lines 33 - 38.

Applicant asserts that the Heath mesh cylinder does not have a constant thickness. Due to the interlocking of loops, the mesh cylinder includes a plurality of overlapped portions as illustrated below in an excerpt from Fig. 1a, and will therefore not have a constant thickness.



Therefore, Applicant respectfully submits that independent claim 1 is not anticipated by Heath. Claims 1, 2 and 4 - 47 depend from independent claim 1 and therefore are not anticipated for at least the reasons discussed with respect to claim 1. Accordingly, Applicant requests the withdrawal of the rejections under 35 USC § 102.

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Conclusion

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 2, 16 - 19, 22 - 24 and 48 - 57 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 29, 2004

By: _____


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